

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julian Phillips	Team: Squad #5	CCRB Case #: 201903294	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/16/2019 6:45 AM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 10/16/2020	EO SOL 6/2/2021	
Date/Time CV Reported Wed, 04/17/2019 10:39 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 04/17/2019 10:39 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT2 Jaime Rosado	05776	914936	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT2 Brian Ilund	00113	911694	WARRSEC
2. DT2 Miguel Nunez	01777	918656	WARRSEC
3. DT2 Joseph Viggiano	06676	919824	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT2 Jaime Rosado	Abuse: Detective Jaime Rosado entered § 87(2)(b) in Brooklyn.	
B.DT2 Jaime Rosado	Abuse: Detective Jaime Rosado searched § 87(2)(b) in Brooklyn.	
C.DT2 Jaime Rosado	Abuse: Detective Jaime Rosado failed to provide § 87(2)(b) with a business card.	

Case Summary

On April 17, 2019, § 87(2)(b) filed this complaint on the CCRB website on behalf of his mother, § 87(2)(b) and his nephews, § 87(2)(b) and § 87(2)(b). § 87(2)(b) did not witness the incident.

On April 16, 2019, at approximately 6:45 a.m., Detective Jaime Rosado of the Warrant Section's Regional Fugitive Task Force arrived at § 87(2)(b) in Brooklyn. § 87(2)(b) and § 87(2)(b) were present inside the apartment. Det. Rosado was accompanied by Detective Brian Ilund, Detective Miguel Nunez, and Detective Joseph Viggiano, also of the Regional Fugitive Task Force. Det. Rosado and his fellow officers entered the apartment (**Allegation A: Abuse of Authority**, § 87(2)(g)). Det. Rosado searched the apartment (**Allegation B: Abuse of Authority**, § 87(2)(g)). Det. Rosado allegedly failed to provide a business card to § 87(2)(b) (**Allegation C: Abuse of Authority**, § 87(2)(g)).

The investigation did not obtain video footage of the incident. At the time of the incident, body-worn cameras had not yet been assigned to any of the officers involved. The investigation did obtain surveillance footage showing the officers approaching the building (**Board Review 01-02**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Jaime Rosado entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Detective Jaime Rosado searched § 87(2)(b) in Brooklyn.

§ 87(2)(b) testified (**Board Review 03**) that the officers knocked on their apartment door, announced that they were the "warrant squad," and said that they needed the door opened. § 87(2)(b) opened the door and then stepped back from the door and sat down, leaving the door ajar. Det. Rosado and other officers stepped into the apartment. After the officers stepped into the apartment, Det. Rosado told her that he had a warrant for an individual with a Hispanic surname, which she thought was "Martinez." Det. Rosado showed § 87(2)(b) a document with this name. § 87(2)(b) did not recall what else was printed on this document. § 87(2)(b) told Det. Rosado that she did not know this individual and that this individual did not reside in her apartment. Det. Rosado replied that the individual had been arrested and had provided § 87(2)(b)'s address as his own. Det. Rosado stated, "We have to look around," and § 87(2)(b) replied, "Do what you got to do." The officers walked through multiple rooms in the apartment, but § 87(2)(b) did not see what they did in these rooms.

§ 87(2)(b) testified (**Board Review 04**) that he heard knocking at the door of the apartment, and that § 87(2)(b) told him, "Let them in." § 87(2)(b) opened the door, and Det. Rosado and other officers immediately stepped into the apartment. After the officers stepped into the apartment, Det. Rosado stated that he had a warrant and showed § 87(2)(b) a document with a name, which § 87(2)(b) could not recall but knew to be the name of a neighbor. Det. Rosado stated that the officers were searching for this individual. § 87(2)(b) denied that anyone verbally told the officers that they could look around the apartment. The officers walked through multiple rooms of the apartment. § 87(2)(b) saw an officer open a closet in the kitchen, but he did not see what the officers did in any other rooms.

§ 87(2)(b) was uncooperative in providing a statement to the investigation.

Det. Rosado provided two statements to the CCRB regarding this incident (**Board Review 05-06**). Det. Rosado testified that he went to the residence because he wanted to interview § 87(2)(b) § 87(2)(b)'s son, who was not present) about one of his friends. Det. Rosado did not recall § 87(2)(b) to be the subject of any open warrants or I-Cards at the time of the incident. Det. Rosado was not aware of any open warrants or I-Cards related to § 87(2)(b)'s address. He had no recollection of a warrant for an individual named "§ 87(2)(b) at § 87(2)(b)'s address.

Det. Rosado recounted that he knocked on the door and announced, "Police Department." § 87(2)(b) § 87(2)(b) opened the door. Det. Rosado told § 87(2)(b) that he wished to speak to § 87(2)(b) § 87(2)(b) and he asked § 87(2)(b) if the officers could come inside. § 87(2)(b) verbally assented, and Det. Rosado and the other officers entered. After the officers stepped into the apartment, Det. Rosado explained to § 87(2)(b) that § 87(2)(b) § 87(2)(b)'s friend, § 87(2)(b) was a wanted fugitive and that he wished to speak to § 87(2)(b) § 87(2)(b) about § 87(2)(b) § 87(2)(b) whereabouts. Det. Rosado showed § 87(2)(b) a wanted poster with § 87(2)(b) § 87(2)(b) name and photograph and the information that § 87(2)(b) § 87(2)(b) had perpetrated a homicide. § 87(2)(b) § 87(2)(b) stated that she recognized § 87(2)(b) § 87(2)(b) but that § 87(2)(b) § 87(2)(b) had never stayed in her apartment. § 87(2)(b) § 87(2)(b) further stated that § 87(2)(b) § 87(2)(b) sometimes stayed in her apartment, but that she did not know whether he was there at present. Det. Rosado asked § 87(2)(b) in sum and substance, "Do you mind if we make sure that these guys are not here?" and added, "Only if you feel comfortable." § 87(2)(b) § 87(2)(b) verbally assented. The officers walked through multiple rooms inside the apartment and then left.

Det. Rosado prepared a DD5 documenting this incident (**Board Review 10**), which stated that he showed § 87(2)(b) a document for § 87(2)(b) § 87(2)(b) that § 87(2)(b) § 87(2)(b) confirmed that she recognized § 87(2)(b) § 87(2)(b) but that he did not reside with her, and that § 87(2)(b) § 87(2)(b) permitted Det. Rosado to search the apartment.

Det. Nunez (**Board Review 07**) and Det. Viggiano (**Board Review 08**) both testified that they did recall entering the apartment. Det. Ilund testified (**Board Review 09**) that he waited outside § 87(2)(b) § 87(2)(b) while the other officers went inside.

At the time of this incident, there was an open warrant for an individual named § 87(2)(b) § 87(2)(b) listing his address as § 87(2)(b) § 87(2)(b) with no apartment number (**Board Review 11**).

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

Allegation (C) Abuse of Authority: Detective Jaime Rosado failed to provide § 87(2)(b) § 87(2)(b) with a business card.

In a telephone statement to the CCRB (**Board Review 12**), § 87(2)(b) § 87(2)(b) denied that any officer

provided a business card to her. § 87(2)(b) similarly denied that any officer on scene provided a business card.

Det. Rosado testified that, prior to leaving § 87(2)(b)'s apartment, he placed his business card on a table or counter and informed § 87(2)(b) that she could call him if she encountered § 87(2)(b) or § 87(2)(b) § 87(2)(b).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) and § 87(2)(b) have each been party to one other CCRB complaint (**Board Review 13-15**).
 - § 87(2)(b)
- Det. Rosado has been a member of the NYPD for 26 years and has been a subject in three previous CCRB complaints and five allegations, one of which was substantiated.
 - 201307435 involved allegations of entry and search of premises. The CCRB recommended charges, and Det. Rosado was found guilty at trial and forfeited five vacation days as a penalty.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of April 6, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (**Board Review 16**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 5

Investigator:	<u>Julian Phillips</u>	<u>Inv. Phillips</u>	<u>4/29/21</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Daniel Giansante</u>	<u>IM Daniel Giansante</u>	<u>April 30, 2021</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date